

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

**IN RE:**

**MICHAEL O'BRIAN KILPATRICK, JR.**

**Debtor**

**CHAPTER 13**

**CASE NO. 22-61305**

**TRUSTEE'S OBJECTION TO CONFIRMATION, MOTION TO DISMISS OR CONVERT,  
AND REQUEST FOR DOCUMENTS AND AMENDMENTS**

COMES NOW the Chapter 13 Trustee, and (i) submits this request for documents and amendments from the Debtor(s) following the meeting of creditors, and (ii) objects to confirmation of the Plan filed on 1/17/23 and (iii) moves to dismiss or convert this case unless all of the objections and requests for documents and amendments have been resolved prior to the hearing. The hearing on the Trustee's objection to confirmation and motion to dismiss or convert shall be held on:

**March 09, 2023 at 9:30 a.m.**

Parties should contact Judge Connelly's courtroom deputies at  
VAWBml\_Connelly\_Scheduling@vawb.uscourts.gov  
to obtain video access instructions and Zoom access information

1. The Trustee requests the Debtor to provide the following documents, or file with the Court the following amendments and pleadings, at least ten (10) days before the hearing noticed herein, to assist in resolving the Trustee's objections:

**Documents - Other**

- File a pre-confirmation affidavit from Debtor(s), or other appropriate evidence to satisfy matters addressed in the affidavit.

**Pleadings**

- Submit a wage order or establish automatic and recurring TFS account for plan payments.
- Amend Schedule C: to assert relevant exemptions.
- Amend Schedule F: to disclose all creditors. Add Bruce and Teresa Lamb as appropriate.

2. The Trustee objects to confirmation of the plan and requests that the Plan be amended to address the following issues:

**Amend Plan or Suggest Confirmation Order Language**

- Amend the Plan in Part 5 to notice an amount and percentage to be paid to general unsecured creditors (must pay 100%).
- Amend the Plan in Part 7 to show that property of the estate vests at plan confirmation.
- Amend the plan to provide for the secured claim #1, or object to the claim, filed by Lendmark for \$8,256.77 to pay in full.
- Amend the plan to: provide for judgment lien of Bruce and Teresa Lamb, if any.

**Objections**

- The Debtor has not filed all applicable Federal, State, and local tax returns pursuant to 11 U.S.C. Section 1308 and 1325(a)(9). Years not filed: 2020-2022. Provide the Trustee with a copy of tax returns once filed, within 30 days.

3. The Trustee prays that any confirmation order entered in this case shall include the following other provisions:

**Conf - Must Pay 100%**

- The Plan must yield 100% to allowed unsecured creditors pursuant to 11 U.S.C. Section 1325 (a) (4) Chapter 7 Test, and Debtor(s) shall promptly amend this confirmed plan if allowed claims are higher than anticipated and the plan no longer yields 100% to such creditors.
4. The Trustee shall ask for dismissal or conversion of the case if the Debtor does not timely commence making Plan payments at the rate and in the amounts stated in their Plan. If the Plan calls for payments through an automatic wage deduction from an employer, the Debtor must make payments directly to the Trustee until the wage deduction takes effect.

**WHEREFORE**, your Trustee requests that the Court dismiss or convert this case if the Debtor(s) fail to do any of the following: (i) resolve the objections noticed herein, (ii) provide the requested modifications, documents, amendments, and/or actions; (iii) appear at the original or adjourned Meeting of Creditors; (iv) remain current in Plan payments; or (v) file a confirmable Plan.

Dated: February 07, 2023

/s/ ANGELA SCOLFORO

Angela Scolforo  
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**CERTIFICATE OF SERVICE**

I certify that a true copy of this Trustee's Request for Documents and Amendments, Objection to Confirmation, and Motion to Dismiss or Convert was served by first class mail, postage paid, upon the Debtor and served electronically upon the Debtor's counsel on February 07, 2023.

/s/ ANGELA SCOLFORO

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